

# EXHIBIT A

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL  
CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE-15-008373 DIV: 07

CLARE AUSTIN,

Plaintiff,

vs.

C.R. BARD, INC., a foreign  
corporation and BARD PERIPHERAL  
VASCULAR, INC., an Arizona  
corporation; MATTHEW ROBBINS,  
M.D., and CLEVELAND CLINIC  
FLORIDA,

Defendants.

**VIDEOTAPE DEPOSITION OF**

PATRICK MCDONALD

Friday, July 29, 2016  
9:00 a.m. - 1:45 p.m.

Panza, Maurer & Maynard  
2400 East Commercial Boulevard  
Fort Lauderdale, Florida

Stenographically Reported By:  
Kimberly Fontalvo, RPR, CLR  
Realtime Systems Administrator

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**On behalf of Defendants:**

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BY: MATTHEW BROWN, ESQ.  
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ALSO PRESENT: Sandra Solis, Videographer

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1 Q. Okay. Thank you. All right. And in this  
 2 email exchange, Dr. Ciavarella -- strike that.  
 3 Earlier when you were with my colleague,  
 4 Mr. O'Connor, you mentioned that you were marketing  
 5 the SNF and the G2 filters at the same time?  
 6 A. That's correct.  
 7 Q. Correct? And if you look towards the  
 8 bottom of this email, there's a sentence that  
 9 starts, "The G2 is a permanent filter."  
 10 Do you see that?  
 11 A. I do see that.  
 12 Q. Okay. And it says, "The G2 is a permanent  
 13 filter. We also have one, the SNF, that has  
 14 virtually no complaints associated with it. Why  
 15 shouldn't doctors be using that one rather than the  
 16 G2?" Can you send -- "Can you also send me the  
 17 total complaints rate and MDR complaint rate for  
 18 SNF?"  
 19 Have you ever seen that email exchange  
 20 before?  
 21 A. Other than the last deposition I believe  
 22 it was shown as evidence, but I hadn't seen it prior  
 23 to that.  
 24 Q. Okay. Have you asked any question  
 25 about -- questions about this information in this

13:00:40 Q. Okay.  
 13:02:33  
 2 A. I would -- Simon Nitinol filter, I would  
 13:02:33  
 3 imagine that they were used as permanent devices,  
 4 that there could be some out there implanted.  
 5 Q. Okay. But the G2 was also a permanent  
 13:02:43  
 6 device, correct?  
 13:00:55 A. Yes.  
 13:02:46  
 8 Q. Okay. And it later received the option to  
 13:02:46  
 9 retrieve it, correct?  
 10:01:02 A. Correct.  
 13:02:49  
 11:01:03 Q. And the same with the G2X --  
 13:02:50  
 12:01:04 A. Correct.  
 13:02:52  
 13 Q. -- correct?  
 13:02:52  
 14 MS. ZAIC: I think I'm done. Go ahead.  
 13:02:56  
 15 Thank you.  
 13:03:02  
 16 THE WITNESS: Sure.  
 13:03:07  
 17 CROSS EXAMINATION  
 13:03:09  
 18 BY MR. BROWN:  
 13:03:10  
 19:01:21 Q. Patrick, I have a few questions for you.  
 13:03:16  
 20 A. Sure.  
 13:03:18  
 21:01:23 Q. I would like to get a little bit of  
 13:03:20  
 22 background information from you. First, where do  
 23 you live?  
 24:01:28 A. I live here in Fort Lauderdale, actually  
 13:03:25  
 25 not far from here.

1 email since you saw it in your last deposition?  
 2 A. No.  
 3 Q. You haven't been curious as to why the  
 4 medical director would make a statement about that?  
 5 A. I feel comfortable that -- that a lot of  
 6 this information from understanding basically and  
 7 going through the last deposition that the rates  
 8 that Mr. Ciavarella was referring to were coming  
 9 from the MAW database.  
 10 Q. Okay. That's lovely, but it's not  
 11 responsive to my question.  
 12 Have you asked, since your last  
 13 deposition, about any of the information contained  
 14 in this email, specifically the sentence I just  
 15 read?  
 16 A. No.  
 17 Q. And again, you were selling the SNF and  
 18 the G2 at the same time, correct?  
 19 A. Correct.  
 20 Q. And do you know if products such as the G2  
 21 and the SNF -- strike that.  
 22 Do you know if G2 and SNF products that  
 23 you sold in your territory are still implanted in  
 24 patients to this day?  
 25 A. I do not know.

1 Q. How long have you lived in Fort  
 13:03:28  
 2:01:17 Lauderdale?  
 13:03:31  
 3 A. We moved here in '72. I was born in  
 4 London. My father was finishing up a surgical  
 13:03:37  
 5 fellowship in London, and we moved here when I was a  
 6 year old in '72.  
 7 Q. Are you married?  
 13:03:41  
 8 A. Yes, I am married. Just celebrated our  
 13:03:42  
 9 ten-year anniversary. And we have two children,  
 10:02:17 Andrew who is eight and Olivia who is six. And they  
 11 go to Christ Church School right here next to us and  
 12:02:17 now it's Christ Church Camp because we're in the  
 13 summer, but we're local.  
 14 Q. Are you a member of Christ Church?  
 13:04:00  
 15 A. No. As a matter of fact, I'm a member of  
 13:04:01  
 16:02:17 St. John's. I'm Roman Catholic, so we go to  
 17:02:17 St. John's church. That's where my parents go and  
 18 my in-laws go. We happen to live on the same street  
 19:02:17 here.  
 20:02:17 Just a few months ago we celebrated my  
 21 son's first Holy Communion. We're an active part of  
 22:02:17 its  
 23 Q. Can you tell us about your educational  
 13:04:20  
 24 background?  
 25:02:32 A. Sure. I started college up in Maryland  
 13:04:22